

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY GARNETT,

Petitioner,

v.

JAY CASSADY,

Respondent.

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No. 4:13-cv-1546-JAR

MEMORANDUM AND ORDER

On January 25, 2016, this Court entered an order denying Petitioner's petition for writ of habeas corpus as untimely and denying Petitioner a certificate of appealability. (Doc. No. 17) On February 26, 2016, Petitioner filed a motion for leave to appeal in forma pauperis (Doc. No. 20) and a motion for certificate of appealability (Doc. No. 21). The Court granted Petitioner's motion for leave to appeal in forma pauperis and denied his motion for certificate of appealability on February 29, 2016. (Doc. No. 22) On March 3, 2016, Petitioner's appeal was docketed in the Eighth Circuit Court of Appeals, No. 16-1553.

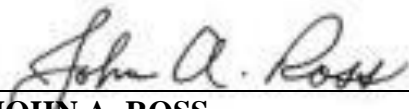
Petitioner has now filed a Motion for Leave to File Supplemental Suggestions for Certificate of Appealability in this closed case. (Doc. No. 26) Because this matter is now pending before the Eighth Circuit, Petitioner's motion will be denied as moot for lack of jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Leave to File Supplemental Suggestions for Certificate of Appealability [26] is **DENIED** as moot.

IT IS FURTHER ORDERED that Petitioner shall direct any further filings in his appeal to the Eighth Circuit.

Dated this 15th day of March, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE